

AN ACT

relating to regulation by a property owners' association of certain religious displays.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 202, Property Code, is amended by adding Section 202.018 to read as follows:

Sec. 202.018. REGULATION OF DISPLAY OF CERTAIN RELIGIOUS ITEMS. (a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a restrictive covenant that prohibits a property owner or resident from displaying or affixing on the entry to the owner's or resident's dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.

(b) This section does not prohibit the enforcement or adoption of a covenant that, to the extent allowed by the constitution of this state and the United States, prohibits the display or affixing of a religious item on the entry to the owner's or resident's dwelling that:

(1) threatens the public health or safety;

(2) violates a law;

(3) contains language, graphics, or any display that is patently offensive to a passerby;

(4) is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the

1 owner's or resident's dwelling; or

2 (5) individually or in combination with each other  
3 religious item displayed or affixed on the entry door or door frame  
4 has a total size of greater than 25 square inches.

5 (c) Except as otherwise provided by this section, this  
6 section does not authorize an owner or resident to use a material or  
7 color for an entry door or door frame of the owner's or resident's  
8 dwelling or make an alteration to the entry door or door frame that  
9 is not authorized by the restrictive covenants governing the  
10 dwelling.

11 (d) A property owners' association may remove an item  
12 displayed in violation of a restrictive covenant permitted by this  
13 section.

14 SECTION 2. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2011.

H.B. No. 1278

David Dewhurst

President of the Senate

Joe Straus

Speaker of the House

I certify that H.B. No. 1278 was passed by the House on May 6, 2011, by the following vote: Yeas 129, Nays 4, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1278 on May 23, 2011, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

Robert Haney

Chief Clerk of the House

I certify that H.B. No. 1278 was passed by the Senate, with amendments, on May 21, 2011, by the following vote: Yeas 31, Nays 0.

Antony Gawn

Secretary of the Senate

APPROVED:

17 JUN '11

Date

Rick Perry

Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:00 PM 'CLOCK

JUN 17 2011

Boyd R. Davis

Secretary of State